

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH CAPOGRECO,

Plaintiff,

No. CIV S- 00-1951 LKK GGH P

vs.

R. SANDHAM, et al.,

Defendants.

ORDER

This matter came on for a trial confirmation hearing on May 30, 2006. Plaintiff appeared pro se via video-conferencing. John W. Riches II appeared on behalf of defendants. The parties agreed that the trial should take approximately two days.

After the hearing, the court issues the following ORDERS:

1. As plaintiff does not stipulate/consent to trial before the magistrate judge, trial will proceed before the district judge, the Honorable Lawrence K. Karlton;
2. Trial remains set for July 25, 2006, at 10:30 a.m., in Courtroom No. 4;
3. Plaintiff's objection to having his witness, inmate Jeremiah Johnson, appear via video-conferencing at plaintiff's trial is OVERRULED; a writ of habeas corpus ad testificandum will issue from this court for witness Johnson to appear at plaintiff's trial via video-conferencing;

1 4. Plaintiff's objection to proceeding against defendant Park, only in his
2 individual capacity on the basis of both personal and supervisory liability is OVERRULED, as
3 plaintiff is barred by the Eleventh Amendment from proceeding against defendant Park in his
4 official capacity where no claims for prospective injunctive relief remain;

5 5. Trial exhibits will be exchanged by the parties on or before June 15, 2006;

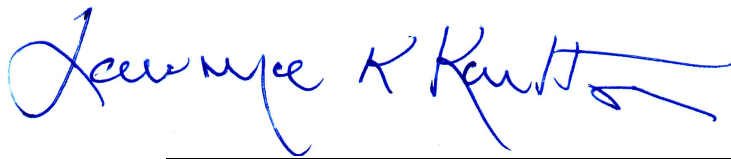
6 6. Defendants may not call additional witnesses (other than any witness listed for
7 plaintiff), including expert witnesses, over and above those set forth in the April 3, 2006
8 Amended Pretrial Order;

9 7. Any proposed voir dire and jury instructions must be filed fourteen (14) days
10 before trial; any objections to exhibits must be filed ten (10) days prior to trial; in limine motions
11 must be filed twenty (20) days before trial, with responses due no later than seven (7) days
12 before trial.

13 8. Any trial brief must be filed no later than ten days prior to trial; no trial brief is
14 required from plaintiff, who proceeds pro se; neither party is required to file a response to any
15 trial brief (see Local Rule 16-285);

16 9. A writ of habeas corpus ad testificandum will issue for plaintiff to appear in
17 this court at trial.

18 DATED: May 31, 2006.



LAWRENCE K. KARLTON
UNITED STATES DISTRICT JUDGE

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